

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as  
THE ROYAL BANK OF SCOTLAND, N.V.),

Defendant.

Adv. Pro. No. 10-05354 (SMB)

**DECLARATION OF MICHAEL S. FELDBERG IN SUPPORT OF ABN AMRO BANK  
N.V.'S (presently known as THE ROYAL BANK OF SCOTLAND N.V.) ("RBS/ABN")  
MOTION FOR LEAVE TO APPEAL FROM THE BANKRUPTCY COURT'S ORDER  
CONCERNING RBS/ABN'S MOTION TO DISMISS BASED ON  
EXTRATERRITORIALITY**

Pursuant to 28 U.S.C. § 1746, I, Michael S. Feldberg, declare the following:

1. I am an attorney admitted to practice before this Court and am a partner with Allen & Overy LLP, counsel for defendant ABN AMRO Bank N.V. (presently known as the Royal Bank of Scotland N.V.) ("RBS/ABN"), in the above-captioned adversary proceeding.

2. I respectfully submit this declaration in support of RBS/ABN's Motion for Leave to Appeal from the Bankruptcy Court's Order Concerning RBS's Motion to Dismiss Based on Extraterritoriality.

3. Attached hereto as "Exhibit A" is a true and correct copy of the Opinion and Order of the United States District Court for the Southern District of New York (Rakoff, J.), dated July 6, 2014, in *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC (In re Madoff Sec.)*, No. 12-mc-115 (JSR), ECF No. 551.

4. Attached hereto as "Exhibit B" is a true and correct copy of the Memorandum Decision Regarding Claims to Recover Foreign Subsequent Transfers issued by the United States Bankruptcy Court for the Southern District of New York (Bernstein, J.), dated November 22, 2016, in *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, Adv. Pro. No 08-01789 (SMB), ECF No. 14495.

5. Attached hereto as "Exhibit C" is a true and correct copy of the Stipulated Order Denying Motion to Dismiss Complaint, so ordered on March 3, 2017 by the United States Bankruptcy Court for the Southern District of New York (Bernstein, J.) in *Picard v. ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)*, Adv. Pro. No. 10-05354 (SMB), ECF No. 117.

I declare under penalty of perjury that the foregoing is true and correct

Dated: April 11, 2017  
New York, New York

Respectfully submitted,

/s/ Michael S. Feldberg  
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N.V.)*